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22 UNITED STATES DISTRICT COURT
23 EASTERN DISTRICT OF CALIFORNIA
24 SACRAMENTO DIVISION

25 SIERRA NEVADA FOREST PROTECTION
CAMPAIGN, SIERRA CLUB, and LASSEN
FOREST PRESERVATION GROUP,

Plaintiffs,

v.

BERNARD WEINGARDT, in his official capacity
as Deputy Regional Forester; UNITED STATES
FOREST SERVICE; and UNITED STATES
DEPARTMENT OF AGRICULTURE,

Defendants.

Case No. Civ. S-04-2727 DFL DAD

STIPULATION TO ENLARGE TIME
FOR FILING MOTION FOR FEES
AND COSTS; [PROPOSED] ORDER

1 WHEREAS Civil Local Rule 54-293(a) provides that “[m]otions for awards of attorneys’
2 fees to prevailing parties pursuant to statute shall be filed not later than thirty (30) days after
3 entry of final judgment;”

4 WHEREAS the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, is the statute
5 under which plaintiffs will seek attorneys fees and costs in this case;

6 WHEREAS EAJA provides that a party seeking an award of fees and other expenses may
7 apply for them “within 30 days of final judgment in the action,” and defines “final judgment” as
8 “a judgment that is final and not appealable;”

9 WHEREAS the judgment in this case becomes unappealable 60 days from the time of its
10 entry;

11 WHEREAS Federal Defendants have not yet determined whether they will appeal the
12 final judgment in this case;

13 WHEREAS Plaintiffs seek to clarify the timing for filing an EAJA motion for fees and
14 expenses pursuant to Local Rule 54-293(a);

15 NOW THEREFORE the parties stipulate and agree, subject to the approval of the Court,
16 that the deadline for Plaintiffs to file a motion for attorneys’ fees and expenses under Local Rule
17 54-293(a) is hereby extended to be the same as the deadline for filing an application for fees
18 under EAJA. By entering into this stipulation, Federal Defendants do not waive any defenses as
19 to whether Plaintiffs are entitled to fees or costs.

1 Dated: July 20, 2005

/s/ David B. Edelson

2 DAVID B. EDELSON
3 Attorney for Plaintiffs

4 Dated: July 20, 2005

/s/ Julia A. Jones¹
5 JULIA A. JONES

6 Attorney for Federal Defendants

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12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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15 Dated: 7/22/2005

16 /s/ David F. Levi
17 DAVID F. LEVI
18 United States District Judge

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25 ¹ Signature authorized on July 20, 2005.